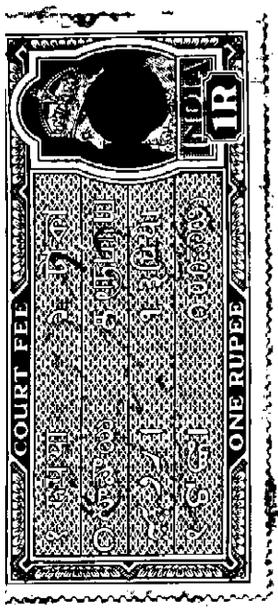
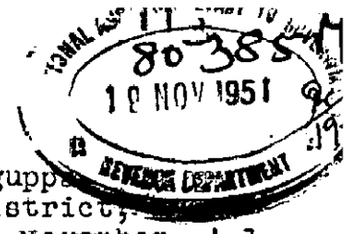
Endorsement
G.O.
Memorandum
Leaflet
No. 80 385 M/51-2

FOR MYSORE STATE





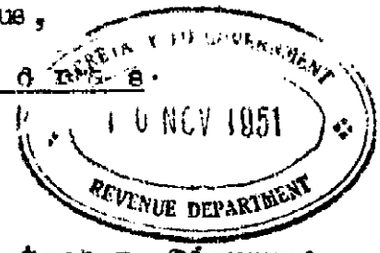
S. Revn.
Call for the records
& the Hon'ble will con.
12/11/51

Siruguppa, Bellary District,
Dated 12th November, '51.

To

The Hon'ble Minister for Revenue,

Government of Madras, Madras.



Sir,

The revision petition of J.Krishnachar, Siruguppa, Bellary District respectfully submit as follows:-

1) Your petitioner was the permanent deputy village Headman of Siruguppa, village, Siruguppa Taluk, Bellary ~~Taluk~~ District from 1944. He was directed to hand over the charge of the said office by the Revenue Divisional Office Bellary by his order No. C.No. 6234/50-B dated 18-10-50.

2) Your petitioner preferred an appeal to the Collector of Bellary and to the Board of Revenue. The Collector of Bellary dismissed the appeal by his order D.Dis. No. 15719/50 dated 1-2-1951, and the Board of Revenue in B.P ~~Dis~~. 4410-D 5-7-51.

The petitioner prefers this petition to the Honourable Minister for Revenue to revise the said orders and reinstate him in his office on the following among other grounds.

Grounds.

1. Your petitioner has always rendered very loyal and diligent service to the State since his appointment, till 15-10-1950 and was also a recipient of a reward of Rs. 10/- from the Prohibition authorities. Due to some domestic differences he was in a mentally deposed condition and consequently his mind was ill-balanced. While in such a frame of mind in a fit of such mental depression

he wrote out a letter of resignation resigning office — which he showed to his father and was keeping it in pocket still thinking about it, his mind being undecided in the matter.

2. On 16-10-50 he was sent for by Mr.Dhanunja Naidu, Taluk Supply Officer, Siruguppa, who was also for some time acting Tahsildar of Siruguppa during which time there were some misunderstandings between him and the petitioner. The petitioner met him while in the same frame of mind and seeing the protruded letter in the pocket, he asked him what it was. The petitioner gave it to him and told him about his domestic quarrel and that he was still undecided in his mind. He took the letter, saw it and appeared to advise me not to give it. I also saw, I was myself still undecided. He then asked me to accompany him to Bellary to give evidence in case under the Food Grain Control Order. Still in that uncertain frame of mind I accompanied him to the Bus Stand. Then the Tahsildar met us and he told me that I should not go and give evidence without summons. I am not aware of the state of feeling between the Tahsildar and T.S.O. I had no alternative but obey the Tahsildar, and remained behind and the T.S.O. went to Bellary. In that hurry and confusion I left the letter with the T.S.O. He seem to have felt ~~xxxxxx~~ insulted and offended as I did not accompany and his old feelings against me seem to have been kindled

3. On 17-10-50 I went to the T.B. to look after the arrangment of the camp of the Revenue Divisional Officer and then met the R.D.O. I never raised the topic of my resignation as I had myself still unsettled in my mind. The T.S.O. also appeared on the scene, and he himself told the R.D.O., about my intended resignation. The R.D.O also advised me not to resign, and I told him, that I was still in an unsettled frame of mind and

him later on making up mind one way or the other and after attending to the arrangements, returned to my home and T.S.O. was still in the T.B. and I had entirely forgotten that the letter of resignation was with the T.S.O.

4. At about 10 a.m. when I was in my home I learnt that my resignation had been accepted. It was the greatest surprise of my life as it struck me like a bolt from the blue. It is only then that I remembered that my letter of resignation was left by accident with T.S.O. who had stayed behind in the T.B. Then I immediately went to R.D.O and told him that I had never submitted my resignation to him or any one and there could be no acceptance. But he said that my letter of resignation was on his table and that since he found it even after his advice, he had accepted it. I then explained to him the circumstances and that the T.S.O. must be responsible and that at least my statement should have been recorded as required, before passing orders. I then requested him that in the special and peculiar circumstances, I might be permitted to withdraw the ~~xxx~~ letter of resignation and he asked the Tahsildar to take such letter which was done immediately noting the ~~xxxx~~ time as 10-45 dated 17-10-50. Again to my further surprise I received an order C.No. 6204/50 B dated 18-10-50 to hand over charge to the Assistant Karnam which I obeyed and then preferred appeal to the Collector and the Board both of which proved futile.

5. This unfortunate result is due to the circumstances, over which I had no control and I have been made a victim of circumstances.

6. The appellate authorities seem to have been influenced by the averment, that in spite of the R.D.O's advice not to resign I submitted my resignation as it appears to be

be borne out in the last portion of the Collector's order xxxxxx D.Dis. No. 15719/50 dated, 1st February '51, in the penultimate para. But that conclusion is not correct and that my xxxxx version is true is borne out by the observations of the same officer in the early part in the same para which runs as follows:- "He adds that on little later he found the resignation petition prominently placed on his table at the Travellers Bungalow". This even the R.D.O has xxxxx at one stage admitted that the letter was found on his table and hence the theory of submitting the resignation cannot be accepted. Perhaps, the T.S.O. has placed the letter after the petitioner left the T.B xx to prejudice the R.D.O.

Thus the petitioner was the victim of these circumstances:-

1) His failure to accompany the T.S.O. which he did not on account of the order of the Tahsildar.

2) The action of the T.S.O. who placed wantonly the letter on the R.D.O's table in the absence and without the knowledge or permission of the petitioner after he left the T.B.

3) His having believed the T.S.O. and left the letter in his possession.

Thus all these unfortunate circumstances conspired against him which prejudiced the view of the officers, andthe truth was kept back from their knowledge. It is therefore prayed that the orders teminating his services xx be set aside and he be restored to office, for which act of kindness he shall ever pray,

My address:-
I.Krishnachar,
Siruguppa (P.O.) Bellary Dist.

Revenue Department.

Memo No. 80385 - M/51-1 dated 20 11 51

Village Officers : (Dy. C-H Bellary ~~Sirugappa~~ Sirugappa

Taluk - Sirugappa Village - Resignation-

~~Headman/Karnam~~ - Revision petition

From Sri J. Krishnachar &c

petition dated 12-11-51

A copy of the petition quoted is forwarded to the ~~Board of Revenue~~ Collector of Bellary. Collr members The ~~Board~~ is requested to submit the connected records together with a report on such allegations the ~~contentions of the petitioner~~ as have not been fully dealt with in the records.

Village Officers - Deputy Headman - (Bellary) Siruguppa Tk and Village - Resignation - withdrawal - petition to the Government by Sri J.Kristacha Records - Submitted.

= = = =

Village Officers - Dy. Headman - (Bellary) - Siruguppa taluk - Siruguppa village - Resignation Withdrawal of - Revision petition - Rejected -

From Sri J. Krishtachar petr Dt 12.11.51
From the Bd of Rev & Dis A - 5708/51 Dt 27.12.51

The petitioner is informed that no appeal or revision lies to the Govt. The petition is rejected.

7/4/52

4.4.52

To Sri J. Krishtachar
Siruguppa PO
Bellary dt.

Copy to the Bd of Rev (with the records noted in orgl)

List of records returned

[H.E. the list on p 6 cf]

4.4.52

Note to Secy. Rev.,

Please put up the papers relating to the appeal filed by Kristachar, Siruguppa Taluk, Bellary Dt. for the appointment of a Deputy Village Officer.

H.M. (L.R.&Lbr.).
25-2-52.

Village Officers - Dy.Headman - (Bellary) - Siruguppa taluk - Siruguppa village - Resignation - Withdrawal of - Revision petition.

From Sri J.Kristachar, petn. dated 12-11-51.
Govt. Memo.No.80385-M/51-1 dated 20-11-51
From the Bd. of Rev. L.Dis.A.5708/51 dated 27-12-51.

To A.S.

The facts of the case as reported by the R.D.O., Bellary are as follows:--

When the R.D.O.,Bellary, was camping at Siruguppa, the petitioner and the T.S.O., Siruguppa appeared before him in the T.B. at 7-30 A.M. on 17-10-50. The R.D.O. noticed the T.S.O. and the petnr. talking together for a minute and immediately thereafter the T.S.O. informed the R.D.O. that the petnr. was bent upon resigning his post and that the resignation petn. was also ready with the Dy.Headman. The R.D.O. then gave advice calmly for about half an hour and told the Dy.Headman that he should change his mind and continue in office as it was his idea that with experienced V.Os. better results could be achieved. The R.D.O. thereafter went for his bath, and after he re-entered the main hall of the T.B. he found to his surprise the resignation petn. prominently placed on the table. He did not see the person who placed the petn. on the table. After going thro' the contents of the petn. he asked the appellant why he was so very persistent in resigning the post inspite of the best advice given to him. The Dy. Headman calmly replied that it was not possible for him to continue any longer in service on account of certain inconveniences which he did not specify. The R.D.O. then warned him of the consequence resulting from the acceptance of the resignation and after satisfying himself that the resignation was voluntary and unconditional and that it was not given under coercion or undue influence on him by anybody the R.D.O. accepted the resignation and directed the Tahr to relieve him by placing the Asst. Karnam in additional charge The R.D.O. incidentally told the petnr. that he deserved to be debarred for having threatened the R.D.O. with resignation and agreed to drop action in that direction if he were to submit a writte

2. But according to the petnr. the story is as follows:--

Due to some domestic differences with his father, he wrote a letter of resignation which he showed to his father and he was keeping it in his pocket, as he was undecided in the matter. The resignation letter is dated 15-10-50. On 16-10-50, he was sent for by the T.S.O., Siruguppa. The petnr. met him while he was in the same frame of mind and seeing the ~~pretended~~ protruded letter in the pocket, the T.S.O. asked him (the petnr) what it was. The petnr. gave it to him and told him about his domestic quarrel. The T.S.O. took the letter, saw it and appeared to advise him (petnr.) not to give it. The petnr. was asked to accompany the T.S.O. to Bellary to give evidence in a case under Foodgrains Control Order. On the advice of the Tahr. that he should not go and give evidence without summons~~es~~, he stayed behind. In that hurry he left the resignation letter with the T.S.O. On 17-10-50, he went to T.B. to look after the arrangement of the camp of the R.D.O. and then met the R.D.O. He never raised the topic of his resignation. The T.S.O. also appeared on the scene and told the R.D.O. about his intended resignation. The R.D.O. advised him not to resign. The petnr. told the R.D.O. that he had not made up his mind. After attending to the arrangements, he returned home. He learnt at about 10 A.M. on 17-10-50 that his resignation was accepted by the R.D The petnr. then went immediately to the R.D.O., explained the position and requested permission to withdraw the letter of resignation. The R.D.O. asked the Tahr. to take such a letter which was done immediately noting the time as 10-45 dated 17-10-50. Thus he became a victim of circumstances.

(ii) that immediately on his learning that his resignation was accepted by the R.D.O., he went to the R.D.O. and told him the facts and requested the R.D.O. to permit hi to withdraw his resignation and that the R.D.C. also asked hi to present a withdrawal petition but that no action was taken on his withdrawal application which was presented to the Tahsildar on the same day, to his surprise he receive the order accepting the resignation.

Contention (i) - Please see the R.D.C.'s remarks in para 3 of his letter at p 34 C.F. of (A). The R.D.O. has stated that the resignation letter was placed on his table after the petitioner received advice from him. and and that it cannot therefore be said that it was placed before him without the petitioner's knowledge. If what the petitioner says is true he could have withdrawn the letter when he R.D.O. gave final warning to him. Further the R.D.O. has stated that the resignation letter was presented to him in the presence of the Tahsildar, Sirugappa and that he considered it un-necessary either to get the resignation through the Tahsildar or to obtain the remarks of the Tahsildar on it as he was convinced that the resignation was voluntary and unconditional.

Contention (ii) - The R.D.O.'s report shows that this contention is not correct. After seeing the resignation letter, the R.D.O. again asked the petitioner why he was so very persistent in resigning the post in spite of the best advice given to him. The petitioner is stated to have calmly replied that it was not possible for him to continue any longer in service on account of certain inconveniences which he did not specify. The R.D.O. says that after warning the petitioner of the consequences of his resignation and after satisfying himself that the resignation was voluntary he accepted the resignation and asked the Tahsildar to relieve immediately by placing the Asst Karnam in additional charge. The R.D.O. incidentally told the petitioner that he deserved

to be debarred from holding Headman's place anywhere in the division for having threatened the R.D.O. with resignation and agreed to drop action in this direction if he were to submit a written apology It is clear from this that the R.D.O. did not ask the petitioner to send a with drawal letter. What he wanted was a letter of apology for dropping for further The petition seems to have acted according to his whims, first [illegible] expressing before the R.D.O. in spite of his best advice, [illegible] that he could not continue any longer in service and later when resignation was actually accepted by presenting a withdrawal As stated by the R.D.O. the petitioner should have placed his resignation before the R.D.O. as a protest against the fine imp on him thinking that it will not be accepted. When the resigna was accepted quite against his expectation, he seems to have th of sending a withdrawal letter immediately. The R.D.O. cannot act according to the whims and fancies of the petitioner. As th resignation was accepted before he presented the withdrawal petition the question of considering the withdrawal application did not arise. In this connection attention is invited to the proce of Bellary at pp 61-64 c of Ex (B) where the collector had also examine was convinced that the resignation was entirely voluntary and

4. Further in his petition before the Board the petitb tated that nothing took place between him and the R D.O. befor he R.D.O. saw the resignation letter on his table and that onl fter seeing the letter he sent for him and asked him about its resence and that the petitioner explained that he did not plac he letter on the table and also asked for its return but withou iving heed to this the R.D.O. accepted the resignation. In his etition to the Govt, however, he says that when the R.D.O. was on 17-10-53 he Travellor's Bungalow at Sirugappa the T.S.O. and himself ere there, that the T.S.O. opened the topic of his resignation the R.D.O. and that the R.D.O. advised him not to resign and hat the petitioner told the R.D.O. that he was still unsettled he matter and that after attendintg to the arrangements he went me. [illegible] To his surpise he learnt at 10 a.m. on th y that his resignation had been accepted. It is clear from th hat the petitioner's version of the story is not reliable and t has been changing his story from time to time to suit his ow urpose. Incidentally it is submitted that the minor's guardian lso preferred complaints against the petitioner about his cond

He should have also be aware that the R.D.O. would not accept the resignation without hearing the V.H. In the circumstance this allegation does not deserve any consideration.

5. Hitherto the Govt. have been holding the view that the appointment of Deputy is non-statutory. Recently, the High Court has held that the appointment of Deputy under Act II of 1894 is statutory and that the Board has no power to interfere. Legal have held in that connection that the appointment of Deputy under Act III of 1895 is also statutory. The Govt. have, however, filed a Letter's Patent Appeal before the High Court in the matter. ~~It is presumed that~~ till the Govt. succeed in their appeal, the judgment of the High Court has to be adhered to and ~~that~~ the Govt. cannot interfere in the matter.

5. In the circumstances discussed in paras 3 ~~and 4~~ 4 5 5, above, it is for orders whether the petn. ~~may~~ will be rejected. In this connection, it may be stated that the R.D.O. has filled up the vacancy by appointing one Sri Kalinga~~sakka~~ Goud as the Dy. V.H. of Siruguppa village.

On perusing the records, I am not satisfied with the genuineness of the resignation in this case. It seems to have been made/by the incumbent under some fit of mental depression. As we propose to interfere in this case to set aside the acceptance of the resignation following th High Court's decision, issue show cause notice to the part appointed as to why the resignation should not be treated as null and void.

H.M. Land Rev.
15th Mar. 1952

Seen by Secy in the At Nite for, at (c)

To AS

Please see the minutes above. A Bench of the High court recently considered the question whether the Govt. have jurisdiction to interfere in the case of appointment of a deputy. The Bench has held that the Coll's order in the matter is final and that no revision will lie either to the Board of Rev or to the Govt. vide portions marked A & B on p2 of the copy of the judgment of the High court at (B). In the present case, the R.D.O's order accepting the resignation of the Dy. V.H., Sri J. Krishachar was upheld both by the Collr. and the Board of Rev. According to the decision of the High Court, the Govt. have no powers to interfere in this case for orders whether it will still be considered necessary to issue notice to the respondent

* This decision was given on 15. last week of Feb '52 i.e. after the Letters Patent Appeal was filed on 2.1.52. The decision on the Letters Patent appeal is still awaited

Please see the orders in circulation at the bottom of p 6 above. A draft memo is submitted for approval.

7/4/52

4.5.52

6/4/52